

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR
PRODUCTS INC., MICRON
TECHNOLOGY TEXAS LLC,

Defendants.

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Case No. 2:22-cv-00203-JRG-RSP

ORDER

The Court held a Motion Hearing in the above-captioned case on October 23, 2023, regarding several discovery-related motions filed by Plaintiff Netlist, Inc. and Defendants Micron Technology, Inc., Micron Semiconductor Products Inc., and Micron Technology Texas LLC (collectively, “Micron”). This Order summarizes and memorializes the Court’s rulings and reasons, including additional instructions given to the parties. While this Order memorializes such rulings, it in no way limits or constrains the Court’s rulings as announced on the record from the bench. Accordingly, it is hereby **ORDERED** as follows:

A. Dkt. No. 178

Plaintiff Netlist’s Motion for an Order to Show Cause is CARRIED to be decided after an evidentiary hearing at which the Court can evaluate the testimony of Dr. Barr, or other appropriate expert for Plaintiff, and any rebuttal expert that Defendants wish to offer..

B. Dkt. No. 137

Plaintiff Netlist’s Motion to Compel Micron Defendants to Produce Documents Relating to the accused Features of Micron’s Products is **DENIED**.

C. Dkt. No. 181

Defendant Micron's Motion to Show Cause Why Plaintiff Should Not Be Held in Contempt for Misrepresenting That Plaintiff's Counsel Represents Inventors of the Asserted Patents is **GRANTED** to the limited extent of allowing out-of-time depositions of Mr. Solomon and Mr. Chen.

D. Dkt. No. 146

Plaintiff Netlist's Motion to Show Cause Why Defendants Should Not Be Held in Contempt for Violating the Courts July 26, 2023 Order is **GRANTED** to the limited extent of requiring a supplemental response for the 14 customers identified on the record.

E. Dkt. No. 185

Plaintiff Netlist's Motion to Take Third-Party Deposition Out of Time is **GRANTED** as to Texas Instruments.

F. Dkt. No. 187

Defendant Micron's Motion to Compel Plaintiff's Responses to Defendants' Interrogatory Nos. 7, 21, 23, and 33 is **GRANTED**. Plaintiff is **ORDERED** to provide supplemental answers to the interrogatories as directed at the hearing.

G. Dkt. No. 184

Plaintiff Netlist's Motion to Strike Defendants' September 14, 2023 Supplemental Response to Interrogatory No. 1 is **GRANTED** to the limited extent that Plaintiff will be granted leave to take a supplemental deposition of Mr. Holbrook, not to exceed 4 hours in length on the issues relating to the supplemental interrogatory answer

H. Dkt. No. 189

Defendant Micron's Motion to Compel Plaintiff's Responses to Defendants' Interrogatory Nos. 15, 16, and 31 is **MOOTED** by the related expert report.

I. Dkt. No. 179

Plaintiff Netlist's Motion to Compel Production of Contracts and MOUs with Major Customers, Commission Records, and Decisions to Discontinue HMC Products is **GRANTED** for Section II(c) regarding HMC.

J. Dkt. No. 188

Defendant Micron's Motion to Compel Plaintiff's Responses to Defendants' Interrogatory Nos. 8, 20, and 22 is **DENIED**.

K. Dkt. No. 186

Plaintiff Netlist's Motion to Compel Reverse-Engineering, Simulation, and other HBM Technical Documents is **DENIED** for requested simulations documentation and **MOOT** for request related to DDR5.

L. Dkt. No. 190

Defendant Micron's Motion to Compel Plaintiff's Responses to Defendants' Interrogatory Nos. 1 and 27 is **WITHDRAWN**.

M. Dkt. No. 191

Plaintiff Netlist's Motion to Compel Witnesses and Withheld Documents is **GRANTED** to the limited extent that Defendants are **ORDERED** to make Messrs. Stordahl, Limaye, and Mittal available for deposition. Plaintiff's motion is otherwise **DENIED**.

N. Dkt. No. 168

Defendants' Motion For Reconsideration of the Court's August 29, 2023 Order Granting-In-Part and Denying-In-Part Defendants' Motion To Compel Production Of Certain Materials From Netlist's SK Hynix Litigation And Negotiation Documents (Dkt. No. 168) is **DENIED**.

O. Dkt. No. 193

Plaintiff Netlist, Inc.'s Motion to Strike Micron Defendants' Affirmative Defense of Patent Misuse (Dkt. No. 193) will be taken up on the briefs.

SIGNED this 23rd day of October, 2023.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE